

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:11 CR 11 SNLJ (TCM)
	)	
LARRY NEWMAN,	)	
	)	
Defendant.	)	

**RESPONSE TO THE MOTION TO SUPPRESS**

COMES NOW the United States of America, by and through Richard G. Callahan, the United States Attorney for the Eastern District of Missouri and Thomas J. Mehan, Assistant United States Attorney for said district, and files its response to the motion to suppress, stating as follows:

When arrested, Newman made a voluntary, post-arrest, statement to law enforcement officers after he was advised of his Miranda rights. The government acknowledges that it has the burden of establishing the admissibility of such statements by a preponderance of the evidence. Colorado v. Connelly, 479 U.S. 157, 169-70 (1986); United States v. Black Bear, 878 F.2d 213, 214 (8th Cir. 1989). The admissibility of post-arrest statements by Newman which resulted from police interrogation depends upon whether he had been advised of his rights, as prescribed by Miranda v. Arizona, 384 U.S. 436 (1966); whether Newman knowingly and voluntarily waived his Miranda rights, North Carolina v. Butler, 441 U.S. 369, 373, 375-76 (1979); and whether the statements were voluntary.

Following a hearing this court will find the statements by Newman were voluntary and should not be suppressed.

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

s/Thomas J. Mehan  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Peter Cohen

s/Thomas J. Mehan  
Thomas J. Mehan, #12736  
Assistant United States Attorney